

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13126, of Bruce Walter MacDonald, et al., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the 900 square foot minimum lot area requirements (Sub-section 3301.1) to use part of the basement, first and second and third floors of the subject premises as an apartment house in an R-4 District at the premises 1317 Irving Street, N.W., (Square 2847, Lot 806).

HEARING DATE: December 19, 1979
DECISION DATE: January 6, 1980

FINDINGS OF FACT:

1. The subject property is located on the north side of Irving Street between 13th and 14th Streets, N.W., in an R-4 zone district at premises known as 1317 Irving Street, N.W.

2. The site is presently improved with a three story and basement brick structure.

3. The property is presently vacant and completely gutted inside. The applicant proposes to rehabilitate and renovate the structure for an apartment house consisting of four units.

4. The last use of the property was as a tenement house under certificate of occupancy A-18086, dated November 7, 1952. This property which has been vacant for approximately eight years, was acquired by the applicant approximately one year ago.

5. The applicant proposes to have one efficiency apartment unit in the basement. The first and second floors would each contain a two bedroom unit, with a one bedroom unit on the third floor.

6. Sub-section 3301.1 of the Zoning Regulations requires that there be provided a minimum of 900 square feet of lot area for each apartment unit. This would require 3,600 square feet for the subject site. Since the property contains only 2,497 square feet, a variance of 1,103 square feet is required.

7. The applicant testified that there is no architectural impracticality in converting the structure into a three unit apartment building, but rather would make it a less attractive economic venture for the owners.

8. The Board finds that four units would be an over intensification of this site, which is surrounded by single family row dwellings.

9. There was no report from Advisory Neighborhood Commission 1A on this application.

10. There was no opposition to the granting of this application.

11. The Board left the record open to allow the applicant the opportunity to consider amending the application to request three units, rather than four. By letter dated January 24, 1980, the applicants replied, citing several reasons why they desired four units rather than three. None of the reasons relates to any exceptional or extraordinary conditions of the property.

12. A three unit apartment house would require a minimum lot area of 2,700 square feet. The variance required would be reduced to only 203 square feet.

13. The Board finds that the configuration of the building is such as to render the use of the building for two units impractical. With three floors, the most reasonable use of the premises is a three unit apartment house.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of facts and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires a showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board is of the opinion that the creation of four apartments at the site will result in an over-intensification of the use of the subject property. The Board concludes that the applicant demonstrated no justification other than the economic return to the owners for converting the site into four units rather than three. The Board concludes that there is no practical difficulty in the property to support a variance for four units. However, the Board concludes that one unit for each floor is a reasonable use of the building, and that it is not practical to renovate the building for only two units. The Board concludes that, if the site is used as a three unit apartment building, the variance can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Accordingly, it is hereby ORDERED that this application is GRANTED SUBJECT to the CONDITION that there shall be a maximum of three units in the building.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Connie Fortune and Leonard L. McCants to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 7 APR 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT"

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.